

CLASS ACTION
CIVIL DOCKET
UNITED STATES DISTRICT COURT

Judge BARROW, Dist. Judge
 Judge James E. Barrett, Circuit Judge *Rec'd 12-88 Cheyenne Wyo.*
 Judge Frederick A. Daugherty, Dist. Judge *82201*

73-C-52

Jury demand date:

D. C. Form No. 106A Rev.

| TITLE OF CASE | | ATTORNEYS | | | | | |
|---|--------------|---|--|------|---------------------|------|-------|
| BOB J. CHEATHAM, Individually and for all others similarly situated, v. REGINALD D. BARNES, Chairman, G. T. Daugherty, Wilbur Dee Cave, R. M. Greer, Leon N. Gilbert, Mrs. Robert I. Hartley, Joe D. Voto, Carl E. Ward, and W. E. Farha, Members of the Oklahoma Public Welfare Commission; L. E. Rader, Director of Public Welfare, State of Oklahoma; Nora Nicholson, Administrator of Public Welfare Tulsa County, State of Oklahoma; David Hall, Governor, State of Oklahoma, Larry Derry-Berry, Attorney General, State of Oklahoma, individually and in their official capacities, | | For plaintiff: Ben G. Price Betty R. Outhier Tulsa County Legal Aid Society 2521 East First Street Tulsa, Oklahoma <i>5843338 936-1966</i> For defendant: Raymond Totoro (Dept. of Pub. Welfare) <i>P.O. Box 25352</i> <i>OKla City, Okla. 73125 (405-521-3630)</i> <i>Larry Daugherty</i> | | | | | |
| STATISTICAL RECORD | COSTS | | | DATE | NAME OR RECEIPT NO. | REC. | DISB. |
| J.S. 5 mailed <i>3-1-73</i> | Clerk | | | | | | |
| J.S. 6 mailed <i>8-1-73</i> | Marshal | | | | | | |
| Basis of Action: declaratory and injunctive relief-violation of 6th, 5th and 14th amend. of Const. | Docket fee | | | | | | |
| | Witness fees | | | | | | |
| Action arose at: | Depositions | | | | | | |

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|---------|---|------------------------------|
| 2-16-73 | Appl. to proceed without prepayment of costs, w/affidavit of financial status in support thereof, filed. rm - to Dene | |
| 2-17-73 | Add. affidavit of financial status, suppl., filed. rm | |
| 2-17-73 | Order granting pltf. leave to file in forma pauperis. (AEB-J)rm | |
| 2-17-73 | Complaint, filed. rm | |
| 2-17-73 | Complainant's memorandum in support of temporary injunction, filed. rm | |
| 2-17-73 | Case set for hearing on pltf.'s appl. for a temporary injunction before Morris L. Bradford, Magistrate, at 2:00 p.m., Wed., 2/21/73. (AEB-J)rm | noted |
| 2-17-73 | Summons issued. rm | |
| 2-21-73 | Application to waive bond for injunctive relief, filed. hm | |
| 2-21-73 | Hearing held on application for temporary injunction. Magistrate recommends that a temporary injunction be issued against all of the respondents, that bond be waived on the injunction due to complainant's status as a pauper & that a show cause order be issued with hearing set on matter for 1:30 p.m. 3-15-73. (MLB-Mag)hm (copies mailed) Pltf. to prepare recommendations. (MLB-Mag)hm | |
| 2-23-73 | Findings and recommendations of the Magistrate, filed. (MLB-Mag)hm | |
| 2-27-73 | Return on service of summons filed. Served Reginald D. Barnes, G. T. Daugherty, Wilbur Dee Cave, R. M. Greer, Leon N. Gilbert, Mrs. Robert L. Hartley, Joe D. Voto, Carl E. Ward, W. E. Farha, L. E. Rader, all of Public Welfare, Oklahoma City, on 2-22-73. Served Nora Nicholson of Public Welfare, Tulsa, Oklahoma, on 2-21-73. Served David Hall, Governor and Larry Derryberry, Attorney General, both at Oklahoma City, on 2-22-73. \$37.08. ds | |
| 3-1-73 | Transcript of Magistrate hearing on temporary injunction, filed. hm | |
| 3-6-73 | Findings and recommendations of United States Magistrate, filed. (MLB-Mag)hm (copies mailed) | |
| 3-6-73 | Order, filed, that a temporary injunction be granted, enjoining said respondents, etc. from enforcing regulations 321.63, Sec. A(1)(a), Par. 2 &/or 331.63 Sec. A(1)(a), Par. 2 of Okla. Dept. of Pub. Welf, Manual of Policy & Procedures so as to deny otherwise eligible recipients public assistance until further order of this Court; and that requirement of bond by complainant is hereby waived for the reason that said complainant has been determined to be a pauper. (AEB-J)hm (copies mailed) | |
| 3-7-73 | Order, filed, constituting a 3-judge Court to be composed of Hon. James E. Barrett, Circuit Judge, Hon. Fred Daugherty, Dist. Judge, & Hon. Allen E. Barrow, Dist. Judge. (David T. Lewis, Chief Judge USCA) (copies mailed)hm | |
| 3-8-73 | Affidavit of Mailing of Profit and Loss Statement for the year 1972 for Tulsa Residential Supply, filed. jj | |
| 3-8-73 | Affidavit of Mailing of Profit and Loss Statement for the year 1971 for Tulsa Residential Supply, filed. jj | |
| 3-14-73 | Def't Motion of Respondents for Enlargement of Time, filed. jj <i>Order to J</i> | |

(Cont.)

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|---------|--|------------------------------|
| 3-16-73 | U.S. Marshal's service returned and filed; Subpoena served on Don Boyd, Tulsa, Okla., on 3-12-73 (USM fee \$3.68) jj | |
| 4-16-73 | Defendants' motion to dismiss, with brief in support, filed. ds | |
| 4-16-73 | Defendants' affidavit in support of motion to dismiss, filed. ds | |
| 4-16-73 | Ordered by the Court that plaintiff's respond to defendant's motion to dismiss with a responsive brief within ten days of this date. (AEB-J) ds | |
| 4-26-73 | Complainant's Brief in Opposition to Respondents' Motion to Dismiss, filed.v | |
| 5-7-73 | Respondents suppl. brief to grant mo/dismiss, filed. rm <i>-copy to each Judge.</i> | |
| 5-9-73 | Appl. of complainant to file suppl brief in response to respondents' suppl brief, filed. rm <i>Order to J. Barrow</i> | |
| 5-15-73 | Order filed, granting complainant leave to file supplemental brief in response to respondents' supplemental brief, within 10 days, filed. (AEB-J)r (Copies mailed) | |
| 5-21-73 | Supplementary Brief to Complainant's Brief in Opposition to Respondents' Motion to Dismiss, filed. v -copies to Judges. | |
| 7-10-73 | Order sustaining respondents' motion to dismiss, filed and entered. (James E. Barrett, AEB & FD, Judges)g cpies mailed. | |

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